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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,128	10/29/2003	Martha A. Dempsey	13277-4	7241

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EXAMINER

STERLING, AMY JO

ART UNIT PAPER NUMBER

3632

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,128

Applicant(s)

DEMPSEY, MARTHA A.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8,10-12,14,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-7,15 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 8,12 and 14 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is another non-final Office Action for application number 10/696,128 Product Display, filed on 10/29/03. Claims 1, 3, 5-8, 10-12, 14, 15, 17-20 are pending. This is the another non-final Action is in response to applicant's reply dated 9/8/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3002608 to Zwicky.

The patent to Zwicky discloses a holder for goods (A) having a front panel (23) including a front portion and a back portion and having an opening therethrough (37 opens to reveal an opening), a bottom panel (25) connected to the front panel, a back panel (20, 27) connected to the bottom panel and front panel and a flap (14, 19) connected to the back panel, the flap being bent downwardly from the back panel and toward portion of the front panel, wherein the flap provides a spring biasing force on the portion of the front panel so as to hold the goods in the opening.

Claims 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2252571 to Kohn.

Kohn teaches a holder for goods having a front panel (1) having a front portion and a back portion and an opening therethrough (near 11), a bottom panel (3) adjoined

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to the front panel (1), a back panel (2) adjoined to the bottom panel (3) and the front panel (1) and a flap (8) extending from the bottom panel upward and toward the front panel, wherein the flap is capable of contacting the front panel below the opening and provides a spring biasing force on the back portion of the front panel so as to hold the goods in the opening.

Response to Arguments

Applicant's arguments with respect to claims 8, 12 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 1, 3, 5-7, 15 and 17-20 are allowed.

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regards to claims 1, 3, 5-7, 15 and 17-20 the reason is that the prior art does not teach a holder for goods having a front panel with an opening therethrough, the front panel having a brace section which includes a flap, the flap being bent downwardly from the brace section and toward a back portion of the front panel to provide a spring biasing force on the back portion of the front panel so as to hold goods in the opening, in combination with a bottom panel connected to the front panel and a back panel connected to the bottom panel.

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With regards to claims 10 and 11, the prior art does not teach wherein the flap extends or is capable of extending to a location below the opening in the front panel.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 571-272-6815. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (Informal communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600

A handwritten signature in black ink that reads "Amy J. Sterling". The signature is written in a cursive, flowing style.

Amy J. Sterling
11/15/05